Social Services Appeal Board of Saskatchewan

Annual Report 2002 - 2003

Letter of Transmittal

Honourable Joanne Crofford
Minister of Community Resources
and Employment (formerly Social Services)

Dear Ms. Crofford:

I hereby respectfully submit the
Annual Report of the Social Services
Appeal Board for the one year period
ending March 31, 2003.

Elaine Pederson
Chairperson

104-02307/

PREFACE

The Annual Report, presented to the Minister of Community Resources and Employment (formerly Social Services) provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2002, to March 31, 2003.

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MEMBERS OF THE BOARD

2002 - 2003

Chairperson:	Elaine Pederson
Members:	Lynn Brown
	Arla Gustafson
	Ruth Fiddler
	Martin Aubichon
	Joanne Tappin
	Richard Whitecloud
	Gerry Cooke
	Idella Barr
	David Acoose

Chairperson and Board members are independent of the Department of Community Resources and Employment (formerly Social Services). Appointments are made by Minister's Order and are for a term of two years.

Gloria Edwards is the appeal co-ordinator in Regina.

Yvonne Brandsema is the appeal co-ordinator in Saskatoon.

INTRODUCTION

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the regulations of the Saskatchewan Assistance Plan.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10; The Sasktachewan Assistance Act R.S.S. 1966, Section 14(m)(n), 15-18; the Saskatchean Assistance Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the regional director and any dissatisfied client may appeal to this level. Once the regional director has taken a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the regional director and are heard by a Local Appeal Committee. Depending on the decision of the Local Appeal Committee, either the client or the regional director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the department may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, she may investigate the matter and advise the board if she believes the claim to be substantiated.

LOCATION OF HEARINGS

Local hearings are held by the Local Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon usually with a panel of four to six persons. A quorum is three members.

The chairperson attends all appeal hearings and writes the decisions which are conveyed in writing to clients usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

CHAIRPERSON'S COMMENTS

During 2002 - 2003 the Social Services Appeal Board received 171 requests for appeals. This is an increase of 34 cases from the previous year. Three requests for appeals were denied and 18 were withdrawn. Twenty-eight meetings were held in Regina and 28 in Saskatoon.

Decisions favoured clients in 18.7% of cases. This the lowest percentage in many years.

As in other years the majority of cases dealt with Section 6(1)(b) (39.8%).

In 2002 - 2003 the Transitional Employment Allowance program was instituted. Clients who appeal have self-identified as being "ready to work" and have been referred to a pre-employment program. The regulations are stringent, clients must attend the sessions. If not, the allowance is discontinued. These appeals will be conducted via teleconference since there is no provision for travel expenses. There is some concern about the number of clients who may call in for the appeal hearing. The process will be closely monitored.

During the 2002 - 2003 fiscal year all regions of the province became involved in the transition planning approach. The board has seen positive results but it is also clear the new direction is a significant change which isn't yet fully understood by some recipients.

An ongoing concern of this board over the years has been the difficulty clients having finding safe, affordable housing. Requests for excess shelter allowances decreased in 2002 - 2003. The board can only speculate as to the cause of this decrease. There are several possible explanations, and members of the Social Services Appeal Board will be following this issue with interest.

Number of Local and Provincial Appeals (1997 - 1998 to 2002 - 2003)

	Local	Provincial
1997 - 1998	428	140
1998 - 1999	482	179
1999 - 2000	481	172
2000 - 2001	397	135
2001 - 2002	416	137
2002 - 2003	502	171

Table 2 - Local Appeals

Location and Disposition 2002 - 2003
Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Director	Total
Regina	15	123	138
Saskatoon	39	147	186
Southeast	1	24	25
Southwest	0	18	18
Northeast	10	63	73
Northwest	16	81	97
Total	**81**	**456**	**537**

Note: Totals may not balance because one appeal may result in more than one decision

Table 3 - Provincial Appeals

Source of Provincial Appeals
2002 - 2003

Region	Appealed by Client	Appealed by Director	Total
Regina	58	11	69
Saskatoon	26	16	42
Southeast	9	3	12
Southwest	3	0	3
Northeast	16	3	19
Northwest	25	1	26
Total	**137**	**34**	**171**

Note: 3 requests for appeals were denied
18 appeals were withdrawn
Some cases were appealed by both client and director

Table 4 - Provincial Appeals

2002 - 2003
Summary by Region

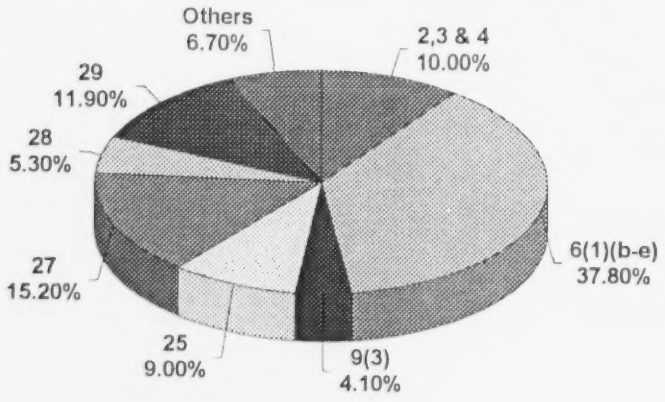
Region	CLIENT SOURCED DECISION For Client	Against Client	CLIENT SOURCED DECISION For Director	Against Director
Regina	9	50	8	2
Saskatoon	9	14	10	5
Southeast	1	7	0	0
Southwest	0	3	0	0
Northeast	3	11	3	0
Northwest	3	22	2	0
Total	**25**	**107**	**23**	**7**

The number of appeals received and the number of decisions is not equal to denials, withdrawals and split decisions.

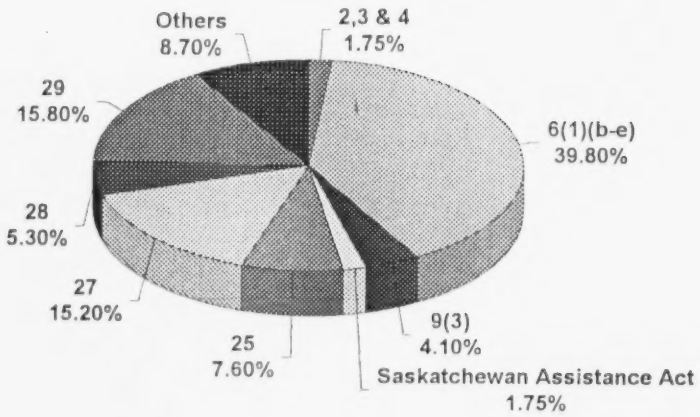
Table 5 - Social Services Appeal Board - Appeals by Reason

(the segments represent the SAP Regulation appealed)

2001 - 2002



2002 - 2003



2, 3 & 4	common-law, etc.
6(1)(b-e)	failure to explore every possibility of self-support, to participate in determining eleigibility, to advise of changes in circumstances, to participate in periodic case planning
9(3)	method of calculating entitlement
Sask. Assistance Act.	Section 29.3, 29.5 - overpayments
25	shelter allowances
27	special needs
28	income exemptions
29	excess imcome or assets
Others	includes Off Reserve funding, methods of calculating entitlement, failure to co-operate, benefits for farmers, university students, right to appeal, trusteeships, security deposits

Table 6 - Appeal Board Meetings

Provincial Appeals Heard in Regina and Saskatoon
1999 - 2000 to 2002 - 2003

	REGINA		SASKATOON	
	Meetings	Cases Heard	Meetings	Cases Heard
1999 - 2000	25	72	29	83
2000 - 2001	20	55	25	57
2001 - 2002	24	52	24	62
2002 - 2003	28	75	28	75

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Department of Community Resources and Employment (formerly Social Services) will also be advised. The Department may then initiate action which satisfies the client.

2002 - 2003

Cases Opened	Cases Closed	Not Substantiated	Substantiated & Rectified	Substantiated & Unresolved	Discontinued
6	8	6	0	0	2

Cases outstanding: April 1, 2002 - 6
Cases outstanding: March 31, 2003 - 7